

with the Council of the District of Columbia, encourage the formation of one or more citizen advisory councils.

In carrying out its planning functions with respect to Federal developments or projects in the environs, the Commission may act in conjunction and cooperation and enter into agreements with any State or local authority or planning agency, as the Commission may deem necessary, to effectuate the adoption of any plan or proposal and secure its realization.

(June 6, 1924, ch. 270, § 4, as added July 19, 1952, ch. 949, § 1, 66 Stat. 785; amended 1967 Reorg. Plan No. 3, § 402(28), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title II § 203(c), title IV, § 401, Dec. 24, 1973, 87 Stat. 782, 785.)

#### REFERENCES IN TEXT

Section 71b of this title, referred to in subsec. (a), was omitted from the Code in view of the abolition of the National Capital Regional Planning Council by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

#### CODIFICATION

The words "National Capital Regional Planning" were added before references to "Council" where necessary to avoid possible confusion between references to such Council and the District of Columbia Council.

Section is also set out in D.C. Code, § 1-2003.

#### PRIOR PROVISIONS

Provisions similar to those concerning preparation and maintenance of a comprehensive plan for the National Capital and its environs were contained in section 71 of this title prior to amendment by act July 19, 1952.

#### AMENDMENTS

1973—Subsec. (a), first sentence. Pub. L. 93-198, § 203(c)(1), inserted introductory "hereby" and substituted "Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without charge" for "Federal and District developments or projects in the environs".

Subsec. (a), third sentence. Pub. L. 93-198, § 203(c)(2), struck out "within the District of Columbia" after "part of its plan" and "or District" from phrase "Federal or District developments or projects".

Subsecs. (b), (c). Pub. L. 93-198, § 203(c)(3), repealed provisions of subsec. (b) relating to contents of comprehensive plan and of subsec. (c) relating to generalized elements of comprehensive plan. See comprehensive plan provisions of section 71a(a) of this title.

#### TRANSFER OF FUNCTIONS

"Council of the District of Columbia" substituted in text for "District of Columbia Council" pursuant to section 401 of Pub. L. 93-198. District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1-211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198, classified to section 1-221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(28) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organiza-

tion and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to consultations concerning the formation of one or more citizens advisory councils under subsec. (e) of this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions abolishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

#### ABOLITION OF COUNCIL

National Capital Regional Planning Council, referred to in subsec. (a), abolished by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

#### DEFINITIONS

The definitions in section 1-202 of the District of Columbia Code apply to this section as amended by Pub. L. 93-198.

EX. ORD. NO. 11815. DELEGATION OF PRESIDENTIAL FUNCTION OF ESTABLISHING METES AND BOUNDS OF NATIONAL CAPITAL SERVICE AREA

Ex. Ord. No. 11815, Oct. 23, 1974, 39 F.R. 37963, provided:

By virtue of the authority vested in me by section 739(g) of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 828; Public Law 93-198), and as President of the United States, the Chairman of the National Capital Planning Commission is authorized and directed to exercise all authority and to carry out all duties vested in the President by section 739(g) of the above cited law with respect to establishing the metes and bounds of the National Capital Service Area. Prior to establishing said metes and bounds, the Chairman shall consult with the appropriate representative of the District of Columbia Government.

GERALD R. FORD.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136 of this title.

### § 71d. Proposed Federal and District developments and projects

#### (a) Consultations between agencies and Commission; procedure

In order to insure the comprehensive planning and orderly development of the National Capital, each Federal and District of Columbia agency prior to the preparation of construction plans originated by such agency for proposed developments and projects or to commitments for the acquisition of land, to be paid for in whole or in part from Federal or District funds, shall advise and consult with the Commission in the preparation by the agency of plans and programs in preliminary and successive stages which affect the plan and development of the National Capital: *Provided, however,* That the Commission shall determine in advance the type or kinds of plans, developments, projects, improvements, or acquisitions which do not need to be submitted for review by the Commission as to conformity with its plans. After receipt of such plans, maps, and data, it shall be the duty of the Commission to make promptly a preliminary report and recommendations to the agency or agencies concerned. If, after having received and considered the report and recommendations of the Commission the agency does not concur, it shall advise the Commission with its reasons

therefor, and the Commission shall submit a final report. After such consultation and suitable consideration of the views of the Commission the agency may proceed to take action in accordance with its legal responsibilities and authority.

**(b) Exceptions to consultation procedure**

The procedure prescribed in subsection (a) of this section shall not apply to projects within the Capitol grounds or to structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

**(c) Approval of District Government buildings within central area; time for transmittal of approval or disapproval of such buildings**

The provisions of section 16 of the Act approved June 20, 1938 [D.C. Code, §5-432], are extended to include public buildings erected by any agency of the Government of the District of Columbia within the boundaries of the central area of the District, as such central area may be defined and from time to time redefined by concurrent action of the Commission and the Council, except that the Commission shall transmit its approval or disapproval respecting any such building within thirty days after the day it was submitted to the Commission.

**(d) Additional procedure for consultation on developments and projects within environs**

Within the environs, general plans showing the location, character, extent and intensity of use for proposed Federal and District developments and projects involving the acquisition of land, shall be submitted to the Commission for report and recommendations before final commitment to said acquisition, unless such matters shall have been specifically approved by an Act of Congress. Before acting on any general plan, the Commission shall advise and consult with the National Capital Regional Planning Council and the appropriate planning agency having jurisdiction over the affected part of the environs. When, in the judgment of the Commission, proposed developments or projects submitted to the Commission under subsection (a) of this section involve a major change in the character or intensity of an existing use in the environs, the Commission shall likewise advise and consult with the National Capital Regional Planning Council and the aforesaid planning agency. The report and recommendations required under this subsection shall be submitted within sixty days and shall be accompanied by any reports or recommendations that may have been prepared by the National Capital Regional Planning Council or the aforesaid planning agency.

**(e) Intent of section; interchange of plans, data, etc.**

It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government which are responsible for public developments

and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region. To aid the Commission in carrying out this function, plans, data, and records, or copies thereof, necessary to the Commission shall be furnished upon its request by such Federal and District governmental agencies; and the Commission shall likewise furnish related plans, data, and records, or copies thereof, to Federal and District of Columbia governmental agencies upon request.

(June 6, 1924, ch. 270, §5, as added July 19, 1952, ch. 949, §1, 66 Stat. 787; amended 1967 Reorg. Plan No. 3, §402(29), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title II, §203(d), Dec. 24, 1973, 87 Stat. 782.)

CODIFICATION

The words "National Capital Regional Planning" were added before references to "Council" where necessary to avoid possible confusion between references to such Council and the District of Columbia Council.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(29) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to the definition and redefinition of the central area of the District of Columbia to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

Section is also set out in D.C. Code, §1-2004.

PRIOR PROVISIONS

Similar provisions relating to the preparation and maintenance of a comprehensive plan for the National Capital and its environs, and the cooperation between the former National Capital Park and Planning Commission and agencies of the Federal and District Governments were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (c). Pub. L. 93-198, §203(d)(1), provided for Commission transmittal of its approval or disapproval respecting any building within thirty days after the day it was submitted to the Commission.

Subsec. (e). Pub. L. 93-198, §203(d)(2), struck out "of the foregoing provisions" after "intent" and substituted "Federal Government" for "Federal and District Governments" in first sentence and substituted "Federal activities" for "Federal and District Governments" in second sentence.

ABOLITION OF COUNCIL

National Capital Regional Planning Council, referred to in subsec. (b), abolished by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

DEFINITIONS

The definitions in section 1-202 of the District of Columbia Code apply to this section as amended by Pub. L. 93-198.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136, 616 of this title.

**§ 71e. Repealed. Pub. L. 93-198, title II, § 203(e), Dec. 24, 1973, 87 Stat. 782**

Section, act June 6, 1924, ch. 270, § 6, as added July 19, 1952, ch. 949, § 1, 66 Stat. 789, provided for inclusion in comprehensive plan of thoroughfare and mass transportation plans, providing in former subsec. (a) for preparation and adoption of plans by Commission and submission, approval, and revision and in former subsec. (b) for consultations prior to adoption of a thoroughfare plan, recommendations, and procedure by Bureau of Public Roads.

**§ 71f. Capital improvements**

**(a) Six-year program of public works; recommendations and annual review; submission of advance programs**

The Commission shall recommend a six-year program of public works projects for the Federal Government which it shall review annually with the agencies concerned. To this end, each Federal agency shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

**(b) Submission of multiyear capital improvement plan**

The Mayor shall submit to the Commission, by February 1 of each year, a copy of the multiyear capital improvements plan for the District developed by him under section 444 of the District of Columbia Home Rule Act [D.C. Code, § 47-303]. The Commission shall have thirty days within which to comment upon such plan but shall have no authority to change or disapprove of such plan.

(June 6, 1924, ch. 270, § 7, as added July 19, 1952, ch. 949, § 1, 66 Stat. 789; amended 1967 Reorg. Plan No. 3, § 402(32), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title II, § 203(f), title IV, § 421, Dec. 24, 1973, 87 Stat. 782, 789; Pub. L. 105-33, title XI, § 11717(b), Aug. 5, 1997, 111 Stat. 786.)

**CODIFICATION**

Section is also set out in D.C. Code, § 1-2005.

**PRIOR PROVISIONS**

Similar provisions relating to preparation and maintenance of a comprehensive plan for the National Capital and its environs, including public works, and for cooperation between the former National Capital Park and Planning Commission and Federal and District Governments were contained in section 71 of this title prior to amendment by act July 19, 1952.

**AMENDMENTS**

1997—Subsec. (b). Pub. L. 105-33 substituted “District of Columbia Home Rule Act” for “District of Columbia Self-Government and Governmental Reorganization Act”.

1973—Subsec. (a). Pub. L. 93-198 designated existing provisions as subsec. (a), inserted “for the Federal Government” after “public works projects”, and struck out “and the District of Columbia Council” after “Federal agency”.

Subsec. (b). Pub. L. 93-198 added subsec. (b).

**EFFECTIVE DATE OF 1997 AMENDMENT**

Amendment by Pub. L. 105-33 effective Oct. 1, 1997, except as otherwise provided in title XI of Pub. L. 105-33, see section 11721 of Pub. L. 105-33, set out as a note under section 4246 of Title 18, Crimes and Criminal Procedure.

**TRANSFER OF FUNCTIONS**

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, “Mayor” substituted in subsec. (b) for “commissioner”.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(32) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to the submission of a copy of the District’s advance program of capital improvements to the National Capital Planning Commission, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

**DEFINITIONS**

The definitions in section 1-202 of the District of Columbia Code apply to this section as amended by Pub. L. 93-198.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136 of this title.

**§ 71g. Zoning regulations and maps, and subdivision of lands**

**(a) Amendments of zoning regulations and maps**

The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5-417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital. The Commission may also submit to the said Zoning Commission proposed amendments or general revisions to the zoning regulations or the zoning map for said District.

**(b) Further reports on proposed amendments**

When requested by a properly authorized representative of the Commission, the Zoning Commission may at its discretion recess for a reasonable period of time any public hearing held by it to consider a proposed amendment to the zoning regulations or map, in order that the Commission or its representative may have an opportunity to present to the Zoning Commission a further report on the proposed amendment.

**(c) Performance of functions by Zoning Committee of National Capital Planning Commission**

The functions vested in the Commission pursuant to this section may, to such extent as the Commission shall determine, and subject to confirmation by the Commission when requested by the Zoning Commission of the District of Columbia, be performed by a committee of the Commission which shall be known as the Zoning